

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VIORICA MALANCEA, *individually and on
behalf of all others similarly situated,*

Plaintiff,

-against-

MZL HOME CARE AGENCY LLC,

Defendant.
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AMON, United States District Judge:

Plaintiff commenced this action on behalf of herself and all other similar situated employees of Defendant MZL Home Care Agency LLC, seeking unpaid overtime wages pursuant to the Fair Labor Standards Act and New York Labor Law. (D.E. # 1., Compl.) On June 7, 2018, Plaintiff filed a motion seeking to conditionally certify a FLSA collective action. (D.E. # 23.) On July 26, 2018, the Defendant filed a motion requesting leave to deposit funds. (D.E. # 32.) The Court referred both motions to the Honorable Cheryl L. Pollak, United States Magistrate Judge, for a Report and Recommendation (“R&R”). On February 1, 2019, Magistrate Judge Pollak issued a thorough and well-reasoned R&R, recommending that Plaintiff’s motion be denied without prejudice, and that Defendant’s motion be denied.

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis

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NOT FOR PUBLICATION

ORDER

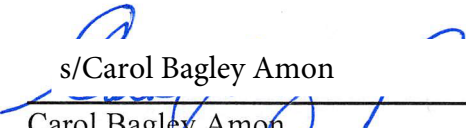
18-CV-732 (CBA) (CLP)

v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

The Court has reviewed the record and, finding no clear error, adopts the R&R as the opinion of the Court. Accordingly, the Court denies Plaintiff's motion for conditional collective class certification without prejudice and denies Defendant's motion to deposit funds.

SO ORDERED.

Dated: March 1, 2019
Brooklyn, New York


s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge